

UNITED STATES DISTRICT COURT
for the
Eastern District of Michigan

United States of America

v.

Gerald Witmer, III

Case No. 1:24-mj-30127

Judge: Morris, Patricia T.

Filed: 04-05-2024

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of March 2, 2024 in the county of Bay in the
Eastern District of Michigan, the defendant(s) violated:

| <i>Code Section</i> | <i>Offense Description</i> |
|---------------------|--------------------------------------|
| 21 U.S.C §841(a)(1) | Possession with Intent to Distribute |

This criminal complaint is based on these facts:

See attached affidavit.

Continued on the attached sheet.



Complainant's signature

Joshua Paczok, Special Agent F.B.I.

Printed name and title



Judge's signature

Hon. Patricia T. Morris, U.S. Magistrate Judge

Printed name and title

Sworn to before me and signed in my presence
and/or by reliable electronic means.

Date: April 5, 2024

City and state: Bay City, Michigan

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

I, Joshua Paczok, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND BACKGROUND

1. I am an “investigative or law enforcement officer of the United States” within the meaning of Section 2510(7) of Title 18, United States Code, that is, I am authorized by law to conduct investigations of and to make arrests for offenses enumerated in Section 2516 of Title 18, United States Code.

2. I am a Special Agent with the Federal Bureau of Investigation (“FBI”) and have been since March 2018. I am currently assigned to the Mid-Michigan Safe Streets Task Force (“MMSSTF”). As such, I investigate violent individuals and street gangs for various violations of federal law, including narcotics trafficking. Prior to working on the MMSSTF, I was assigned to the Detroit FBI Violent Gang Task Force (“VGTF”). As a Special Agent on the VGTF, I investigated criminal street gangs for various violations of federal law, including narcotics trafficking, weapons offenses, violent crime, and fraud. Prior to becoming an FBI Special Agent, I was a United States Border Patrol Agent assigned to the Laredo North Station in Laredo, Texas. As a Border Patrol Agent, my responsibilities included identifying instances of human and narcotics trafficking that often-involved violent criminal organizations and drug trafficking organizations. Accordingly, I am familiar with the

ways in which gangs and drug trafficking organizations and violent criminal organizations normally operate.

3. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents, officers, and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

4. Based on the facts set forth in this affidavit, there is probable cause to believe that Gerald Edward Witmer has violated 21 U.S.C. § 841(a)(1), Possession with Intent to Deliver a Controlled Substance.

PROBABLE CAUSE

5. On March 2, 2024, Officer Ney of the Bay City Department of Public Safety observed a tan Ford F250 slowly traveling eastbound in the left lane while crossing the Veteran's Bridge. The F250 had its brake lights on, and smoke was coming from the rear wheels of the truck.

6. Officer Ney pulled behind the truck and activated his emergency lights. Upon approaching the truck, Officer Ney observed Gerald Edward Witmer slumped over in the driver's seat, while the passenger, a female, was trying to put the vehicle in park. Witmer was confused, his eyes were glassy, and he was sweating profusely. The female passenger initially told officers that Witmer was not under the influence

of drugs or alcohol but instead was having a seizure, however, she later told officers that Witmer was a drug user and that she had administered 2mg of Narcan to Witmer as he was driving.

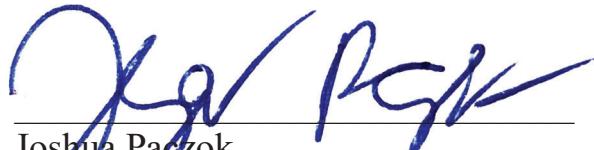
7. Officer Jordan Henry arrived at the scene and spoke with Witmer. Witmer told Officer Henry that he had used heroin earlier that night. Witmer was placed under arrest for operating a motor vehicle under the influence of drugs. Witmer was transported via ambulance to McLaren Bay Region hospital. Officer Henry followed the ambulance to the hospital. Upon arrival at the hospital, incident to the arrest, Officer Henry searched the brown sweatshirt that Witmer had been wearing. Officer Henry recovered a baseball sized bag of suspected methamphetamine inside the inner left pocket of the sweatshirt. Officer Henry recovered another smaller bag of a white powdery substance from the same pocket. Officer Henry packaged both items in an evidence bag and secured them.

8. The items found in Witmer's sweatshirt pocket were submitted to the Michigan State Police Bridgeport Forensic Laboratory for testing. The laboratory confirmed the contents of the baseball sized bag to be methamphetamine. The total weight of the methamphetamine was 111.72 grams. The laboratory identified the contents of the smaller package to be fentanyl. The weight of the fentanyl was 2.83 grams.

9. Based on my training and experience, I know that methamphetamine is typically sold to dealers in quarter pound increments. 111.72 grams is equivalent to just under a quarter pound. Based on my training and experience, this amount of methamphetamine is not consistent with personal use, but it is consistent with an amount that a dealer would obtain from a supplier. Thus, it is reasonable to believe that Witmer intended to distribute the methamphetamine that he possessed in his pocket.

10. Based on the foregoing, there is probable cause to believe that Witmer did possess narcotics with intent to distribute, in violation of violated Title 21 U.S.C. § 841(a)(1).

Respectfully submitted,



Joshua Paczok
Special Agent
Federal Bureau of Investigation

Sworn to before me and signed in my presence and/or by reliable electronic means.



HON. PATRICIA T. MORRIS
UNITED STATES MAGISTRATE JUDGE

Dated: April 5, 2024